

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO.: 4:21-CR-15-SA

RONNIE THOMAS

ORDER

Now before the Court is the Defendant's Motion for Out of Time Appeal [65]. In the Motion [65], the Defendant recognizes that the deadline to appeal the Judgment imposed by this Court has expired. However, he requests that the Court extend his deadline to appeal. The reasons for the requested extension are articulated in the Motion [65].

Rule 4(b) of the Federal Rules of Appellate Procedure provides the deadlines for appeal in a criminal case, in pertinent part providing:

(b) Appeal in a Criminal Case.

(1) Time for Filing a Notice of Appeal.

(A) In a criminal case, a defendant's notice of appeal must be filed in the district court *within 14 days* after the later of:

- (i) the entry of either the judgment or the order being appealed; or
- (ii) the filing of the government's notice of appeal.

...

(4) Motion for Extension of Time. Upon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period *not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)*.

FED. R. APP. P. 4(b)(1)(A); 4(b)(4) (emphasis added).

In the case *sub judice*, the Court's Judgment [64] was entered on July 1, 2022, thereby making the Defendant's deadline to appeal July 15, 2022, pursuant to Rule 4(b)(1)(A)(i).

Having reviewed the present Motion [64], the Court finds that the Defendant's deadline should be extended for good cause. The Court hereby extends the Defendant's deadline to appeal to August 15, 2022.

The Defendant also represents to the Court that he is indigent and requests appointment of counsel on appeal. Having reviewed the record, the Court notes that the Defendant has previously been deemed to be indigent. *See* [6]. The Court finds the Defendant is entitled to appointed counsel on appeal. The Court hereby appoints John Daniels, Esq., to represent the Defendant on his appeal to the United States Court of Appeals for the Fifth Circuit.

SO ORDERED, this the 3rd day of August, 2022.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE